

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

MICHAEL E. MONTGOMERY,

Plaintiff,

v.

SIA JOHNSON, et. al.,

Defendants.

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Case No. 7:05-cv-00131

AMENDED RULE 26(f) DISCOVERY PLAN

Plaintiff, Michael Montgomery, and defendants, Deborah Peltier and Carlos Lopez (hereinafter collectively referred to as “the parties”), by and through their attorneys of record, submit the following amended discovery plan due to the change in the trial date to October 19th through October 23rd.

1. Supplementary disclosures and responses to Rule 26(a) initial disclosures shall be made by Monday, July 6, 2009.
2. Expert disclosure and written reports by Plaintiff shall be made by Monday, July 6, 2009.
3. Expert disclosure and written reports by Defendants shall be made by Wednesday, July 22, 2009.
4. Expert disclosure and written reports of any rebuttal expert(s) by Plaintiff shall be made by Thursday, August 6, 2009.
5. All discovery shall be commenced in time to be completed by Tuesday, September 8, 2009.
6. Any motions to exclude the testimony of an expert based on the sufficiency or reliability of the expert’s testimony must be filed by Tuesday, September 8, 2009.

7. Any motions for summary judgment or other dispositive motions must be filed by Tuesday, September 8, 2009.
8. The parties will make pretrial disclosures of witnesses and exhibits as required by Rule 26(a)(3) by Monday, September 21, 2009.
9. The parties will make objections to deposition testimony and exhibits by Monday, October 5, 2009.
10. The parties will file jury instructions with the Court by Monday, October 5, 2009.
11. The parties will file any trial briefs with the Court by Thursday, October 15, 2009.

Dated: May 1, 2009

By /s/ Carrie B. Freed
Counsel for Plaintiff

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CERTIFICATE OF SERVICE

I hereby certify that on May 1, 2009, I electronically filed the foregoing AMENDED RULE 26(f) DISCOVERY PLAN with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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